

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No.: 2:20-cr-00231-APG-NJK

Plaintiff

V.

BRANDON CASUTT,

Defendant

**Order Denying (1) Government's Motion
to Accept Sale Price, (2) Government's
Second Motion to Seal, and (3) Defendant's
Motion to Stay**

[ECF Nos. 254, 259, 262]

8 The United States moves for my approval to sell the house located at 1924 Coralino
9 Drive, Henderson, NV. ECF No. 254. In connection with that motion, the Government filed
10 under seal exhibits that purportedly support the proposed sale price. ECF Nos. 255, 260. I
11 previously denied without prejudice the Government's motion to seal those exhibits and allowed
12 the Government to file a new motion to seal with better support. ECF No. 258. The Government
13 has filed a renewed motion to seal those exhibits. ECF No. 259. Brandon Casutt has filed a
14 motion to stay the Government's proposed sale. ECF No. 262. For the reasons set forth below, I
15 deny all three motions.

Motion to Seal (ECF No. 259)

17 The Government’s renewed motion still does not provide sufficient reasons why its
18 exhibits should be sealed under *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th
19 Cir. 2006). The *Kamakana* court held that a showing of “compelling reasons” is needed to
20 support the secrecy of documents attached to dispositive motions. *Id.* at 1178-79. “The mere fact
21 that the production of records may lead to a litigant’s embarrassment, incrimination, or exposure
22 to further litigation will not, without more, compel the court to seal its records.” *Id.* at 1179
23 (citation omitted). The party seeking to seal documents attached to a dispositive motion must

1 present articulable facts identifying the interests favoring secrecy and show that these specific
2 interests overcome the presumption of public access by outweighing the public's interests in
3 understanding the judicial process. *Id.* at 1181. The Government has not offered compelling
4 reasons to seal the evidence that supports the proposed sale price. I therefore deny the motion to
5 seal.

6 Because I am denying the motion to seal, the Government requests that I allow it "to
7 withdraw, to strike, and to literally remove" from the record the motion to sell, both motions to
8 seal, and all supporting exhibits "so they cannot be available to the public." ECF No. 259 at 2.
9 In order to preserve the record for any appeal, I will not strike or allow removal of the filed
10 documents. However, out of an abundance of caution, I will allow the documents that are
11 presently sealed to remain sealed. And I will not consider those documents in deciding the
12 Government's motion to approve the sale.

13 **Motion to Approve Sale (ECF No. 254)**

14 Because I am not considering the exhibits submitted in support of the motion to approve
15 the sale, there is no factual basis for me to grant that motion. I therefore deny the motion without
16 prejudice to the Government's ability to file a new motion seeking approval of the sale.
17 However, the Government must present a sufficient factual basis to support its proposed sale
18 price.

19 **Motion to Stay Sale (ECF No. 262)**

20 Because I am denying the Government's motion to sell the property, Casutt's motion to
21 stay that sale is moot, so I deny it. In addition, Casutt's present motion offers no reason to stay
22 the sale other than he has a pending motion to vacate his conviction under 28 U.S.C. § 2255. At
23 this point, that is not a sufficient basis to stay the proposed sale. If Casutt seeks to block a future

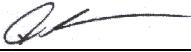
1 motion to sell, he should file a timely opposition and offer facts and legal principles to support
2 his request.

3 I THEREFORE ORDER that the Government's renewed motion to seal exhibits (ECF
4 **No. 259) is denied. However, I order that the documents currently filed under seal will**
5 **remain sealed.**

6 I FURTHER ORDER that the Government's motion for approval of the sale (ECF No.
7 **254) is denied without prejudice.**

8 I FURTHER ORDER that Casutt's motion to stay the Government's proposed sale (ECF
9 **No. 262) is denied as moot.**

10 Dated: December 6, 2024.

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12 ANDREW P. GORDON
13 CHIEF UNITED STATES DISTRICT JUDGE
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